

RECORD OF PROCEEDINGS

CALL TO ORDER	A regular meeting of the Council Bluffs City Council was called to order by Mayor, Thomas P. Hanafan, on Monday, November 9, 2009 at 7:00 p.m.
ATTENDANCE	Council Members present: Darren Bates, Scott Belt, Lynne Branigan, Matt Schultz and Matt Walsh. Staff present: Richard Wade, City Attorney and Marcia Worden, City Clerk.
CONSENT AGENDA	Branigan and Bates moved and seconded the approval of the consent agenda. Unanimous.
MAYOR'S PROCLAMATION	Mayor Hanafan read and presented a Proclamation to Morgan Havermann, Juvenile Diabetes Special Events Coordinator, declaring November 14, 2009 as " <i>National Diabetes Day</i> ". Heard from Emily LeMaster, Jillian Rater and Chris Siefken.
PUBLIC HEARINGS Resolution 09-318	Held Public Hearing, authorizing disposal of City owned property described as a 24' x 148.8' strip of former railroad right-of-way in Block 6, Riddles Subdivision located between 9 th and 10 th Avenues, west of South 6 th Street. Walsh and Schultz moved and seconded approval. Voice Vote: 4 Ayes; 1 Nay (Branigan).
Resolution 09-319	Held Public Hearing, approving the Plans, Specifications, Form of Contract and Cost Estimate for the Wastewater Treatment Plant Recirculation Pump Station/Motor Control Center Replacement & Controls Upgrade. Belt and Walsh moved and seconded approval. Unanimous.
Resolution 09-321	Held Public Hearing, approving the Plans, Specifications and Form of Contract for the Wabash Trace to the Bob Kerrey Pedestrian Bridge Trail Rehabilitation Project. Belt and Bates moved and seconded approval. Unanimous.
Resolution 09-320	Held Public Hearing, approving the Plans, Specifications, Form of Contract and Cost Estimate for the East Manawa Storm Sewer Phase II. Belt and Branigan moved and seconded approval. Unanimous.
Ordinance 6044	Held Public Hearing, amending the zoning map as adopted by reference in Section 15.02.040, by changing the district designation of certain grounds, premises and property generally located west of Railroad Highway and north of East Kanesville Boulevard, from R-3/Low Density Multi-Family Residential to A-2/Parks, Estates and Agricultural, as set forth and defined in Chapter 15.05 and 15.10. Heard from Tony Tauke, Attorney, 42 North 2 nd Street, speaking in favor of the zoning change. Council Member Walsh voiced a concern regarding the time frame of the extraction of dirt. Walsh and Branigan moved and seconded to pass Ordinance 6044 to 3 rd consideration and postpone the Public Hearing until November 23, 2009 at 7:00 p.m. Walsh also mentioned no one objects to the extraction but would like to see it done as soon as possible but would like to know if the process will continue another three to five years; requesting the work to be done in the cleanest fashion possible including a visual buffer to shield the extraction work. Heard from Tony Tauke, mentioned they went before the Zoning Board of Adjustments knowing that their approval was subject to City Council approval regarding the zoning change. Unanimous.
Ordinance 6045	Held Public Hearing, amending the zoning map as adopted by reference in Section 15.02.040, by changing the district designation of certain grounds, premises and property located at 1623 Avenue "O" and 1635 Avenue "O" from C-2/Commercial to R-1/Single Family Residential, as set forth and defined in Chapters 15.10 and 15.15. Branigan and Belt moved and seconded approval. Unanimous. Belt and Branigan moved and seconded to waive 3 rd reading of Ordinance 6045. Unanimous.

RECORD OF PROCEEDINGS

Held Public Hearing, regarding condemnation proceedings against Robert and Jocelyn Byers, for property generally described as parts of Lots 1, 2 and 3 in SW ¼ NE ¼, part of Lot 1 in the SW ¼ NW ¼ and part of Lots 2 and 5, in the NW ¼ NE ¼ all in Section 32, Township 75, Range 43, lying northwest of Mosquito Creek. Schultz and Bates moved and concurred with Community Developments' recommendation to postpone Public Hearing until Nov. 23, 2009 at 7:00 p.m. Unanimous.

Held Public Hearing, no action taken by Council due to the recommendation of the Community Development Department to close the Public Hearing and take no action on the sale regarding the disposition of City owned property located in the 1400 block of South 7th Street.

RESOLUTIONS

Resolution 09-322

Belt and Walsh moved and seconded, authorizing the Mayor and City Clerk to execute an agreement with Ehrhart Griffin & Associates for engineering services in connection with the Playland Sanitary Sewer Rehab. Unanimous.

Resolution 09-323

Belt and Branigan moved and seconded, authorizing the Mayor to execute an Order Accepting the Acknowledgement/Settlement Agreement from Fareway Store #073, 310 McKenzie Avenue, for a violation of Iowa Code Section 453A.2(1). Unanimous.

Resolution 09-324

Belt and Walsh moved and seconded, authorizing the Mayor to execute an Order Accepting the Acknowledgement/Settlement Agreement from Hy-Vee Food Store #1, 1706 North 16th Street, for a violation of Iowa Code Section 453A.2(1). Unanimous.

Resolution 09-328

Belt and Walsh moved and seconded, authorizing the Mayor to execute the Second Addendum to the Development Agreement between the City of Council Bluffs, Iowa and Metro Crossing, L.L.C. that has since assigned its interest to KIMCO Metro Crossing L.P. Unanimous.

Resolution 09-325

Belt and Walsh moved and seconded, authorizing the Mayor and City Clerk to execute an agreement with MFT Construction, Inc. for the Oak Street Sanitary Sewer Relocation. Unanimous.

Resolution 09-329

Walsh and Branigan moved and seconded, authorizing the Mayor and City Clerk to execute an agreement with Taylor Excavating for the CBPW Operations Facility-Site Preparation, Project I. Unanimous.

Resolution 09-327

Belt and Branigan moved and seconded, authorizing and directing the Mayor and City Clerk to execute an agreement with Bahr Vermeer Haecker Architects, for professional services related to the design, engineering, public bidding, and contract administration elements associated with the HVAC Energy Efficiency Upgrade Project within the Community Hall/Central Fire Station, City Hall and the Public Library. Unanimous.

Resolution 09-326

Belt and Walsh moved and seconded, authorizing the Mayor and City Clerk to execute an agreement with Chester Bross Construction Co./C.B. Equipment, Inc. for the South 35th Street Restoration. Unanimous.

Resolution 09-330

Branigan and Belt moved and seconded, authorizing the City Clerk to certify to the Pottawattamie County Treasurer the 2009 Water, Sewer and Refuse Collection Lien Schedule for Nonpayment of Residential Refuse Collection Charges, Nonpayment of Sewer Rental Fees and the Nonpayment of Water Fees. Unanimous.

Resolution 09-331

Branigan and Belt moved and seconded, authorizing the Mayor and City Clerk to execute an agreement with the Iowa JOBS Program for a grant in the amount of \$3,869,000 in connection with the Public Works Operation Facility. Council Member Bates noted this is a competitive grant, good job to City staff by saving millions of tax payer dollars. Voice Vote: 4 Ayes; 1 Nay (Schultz).

RECORD OF PROCEEDINGS

RECEIVE & FILE ITEMS

Belt and Walsh moved and seconded the approval of Receive and File Items 7A and 7B. 7A. One (1) Notice of Claim and 7B. Certified Annual Report for the Fiscal Year ending June 30, 2009. Unanimous.

APPLICATIONS FOR PERMITS & CANCELLATIONS

Belt and Walsh moved and seconded the approval of Permit Applications and Cancellations regarding Items 8A (1-5): 1. Bertha's, 1322 North 16th Street, 2. Fareway Stores #073, 310 McKenzie Avenue, 3. Harrah's Council Bluffs Casino & Hotel, One Harrah's Boulevard, 4. Iowa Western Community College, 2700 College Road, 5. Skybox, 144 West Broadway. Unanimous.

Council Member Belt congratulated St. Albert on another trip to the "dome" and wished them good luck.

Mayor Hanafan recognized Alan and Sandy Byers and family for their volunteer service to the community and noted the Byers' family was the recipients of the Family Services Award.

ADJOURNMENT

Belt and Bates moved and seconded adjournment at 7:35 p.m. Unanimous.

The tape recording of this proceeding, though not transcribed, is part of the record of each respective action of the City Council. The tape recording of this proceeding is incorporated into these official minutes of this Council meeting as if they were transcribed herein.

Thomas P. Hanafan,

Mayor

ATTEST:

Marcia L. Worden,

City Clerk